

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 3248	DATE	6/25/2002
CASE TITLE	USA vs. Michael Black		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

(1)  Filed motion of [ use listing in "Motion" box above.]

(2)  Brief in support of motion due \_\_\_\_\_.

(3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.

(4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.

(8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.

(9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)  General Rule 21  FRCP41(a)(1)  FRCP41(a)(2).

(10)  [Other docket entry] Enter Memorandum Order. Black's motion for a refund is granted. (45-1)  
 In accordance with Black's request the original \$23.15 should be refunded to Black as an overpayment and this Court so orders. The Clerk's office is ordered to transmit that payment to: Michael Black, #11354-424, FMC - Butner - 4-D, P.O. Box 1600, Old NC Highway 75, Butner NC 27509.

(11)  [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.	number of notices	Document Number
	No notices required.		
✓	Notices mailed by judge's staff.	JUN 26 2002	
	Notified counsel by telephone.	date docketed	
	Docketing to mail notices.	docketing deputy initials	
	Mail AO 450 form.	6/25/2002	
	Copy to judge/magistrate judge.	date mailed notice	
SN	courtroom deputy's initials	SN	
		U.S. DISTRICT COURT	
		CLERK	
		02 JUN 25 PM 3:53	
		PLAINTIFF'S	
		DATE/TIME RECEIVED	
		central Clerk's Office	
		mailing deputy initials	

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
MICHAEL BLACK, )  
Defendant. )

No.

00 C 3248

**DOCKETED**  
JUN 26 2002

MEMORANDUM ORDER

Michael Black ("Black") has just filed a self-prepared request for a refund of some overpaid filing fees in connection with his now-disposed-of appeal to the Court of Appeals for the Seventh Circuit. This Court has caused the District Court's Clerk's Office to look into the matter and has been advised that Black is partly right and partly wrong.

Although Black claims that two payments in the amount of \$23.15 each were provided to the Clerk's Office (one that was mailed by him and the other that was assertedly delivered personally by a family member), the records reflect only one such payment. Even though Black did request that amount from his Bureau of Prisons account on October 10, 2001, the papers that he has now submitted show that the government check was not mailed out until October 24--and that timing jibes expressly with the District Court's Clerk's Office's receipt that specifies its October 29 receipt of that check. No second payment in the same amount was made or received for, either on the October 31 date

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that Black asserts in his current filing<sup>1</sup> or at any other time.

It is however true that a later payment of the full filing fees of \$105 was made in November 2001. For that reason the original \$23.15 should be returned to Black as an overpayment, and this Court so orders. In accordance with Black's request, the Clerk's Office is ordered to transmit that payment to:

Michael Black, #11354-424  
F.M.C. - Butner - 4-D  
P.O. Box 1600  
Old NC Highway 75  
Butner NC 27509

*Milton I. Shadur*

Milton I. Shadur  
Senior United States District Judge

Date: June 25, 2002

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<sup>1</sup> That date provides a good clue to Black's mistaken contention. One of his enclosures is the Clerk's Office receipt that confirms the funds having come in on October 29--and that receipt itself shows it was printed out on October 31.